



October 16, 2019

Mackenzie Farkus
72165-81736684@requests.muckrock.com

RE: 2019-1195

Dear Ms. Farkus:

I write in response to your Freedom of Information Law request, which we numbered 2019-1195, wherein you requested “Emails containing” specific keywords, “Marketing materials”, “Any policy directives, guidance documents, memorandum, training materials”, “Revenue made off of [sic] Gender X driver’s licenses and state IDs, and/or the total number of people with Gender X driver’s licenses and state IDs” with respect to Gender X driver’s license and state IDs.

With respect to your request for “Gender X”, “transgender”, “intersex”, “Two-Spirit”, “gender identity”, and “sexual identification”, you did not provide any names or email address(es) to be searched. To search for “written communication, emails”, I would need to know which individuals and email account(s) to search. Whether a request is reasonably described may be dependent upon the nature of an agency’s filing or record keeping system and agency employees are not required to engage in herculean or unreasonable efforts to locate records. See, *Konigsburg v. Coughlin*, 68 N.Y.2d 245 (N.Y. 1986) and the NYS Committee on Open Government’s FOIL Advisory Opinions 18949 and 18863. The Committee on Open Government has explained that “a request for ‘all’ records, without limitation, that include a certain name, for example, might not be found to reasonably describe the records.” (COOG AO-18949 (Aug. 20, 2012)). In order for a request for communications to be reasonably described the request should, to the extent practicable, include parameters such as specific names or roles of employees as well as external parties, specific subject matter and/or search terms, and a reasonable and specific time period. These parameters will enable the Department to conduct a diligent search for records. Your request is denied because “the Department simply cannot, without herculean effort, accommodate you or honor your request” (see AO-19150). A copy of the Advisory Opinion can be found online at the following website; <https://docs.dos.ny.gov/coog/ftext/f19150.html>.

After a diligent search, the Department is not in possession of any records responsive to your request.

If you feel you have been denied access to a record to which you are entitled you may file an appeal in writing within thirty (30) days of the date of this correspondence, addressed to the



Department of Motor Vehicles, FOIL Appeals Officer, P.O. Box 2935, Albany, New York 12220-0935.

Sincerely,

FOIL and Subpoena Unit